



Nursing Care Quality Assurance Commission
MINUTES
May 12, 2006
Hilton Garden Inn

Commission Members

present:

Dr. Judith D. Personett, EdD, RN, Chair
Jacqueline Rowe, RN, Co-Chair
Karen Brewer, Public Member
Richard Cooley, LPN
William Hagens, Public Member
Todd Herzog, CRNA
Lorrie Hodges, LPN
Rev. Ezra Kinlow, Public Member
Robert Salas, RN
Diane Sanders, RN
Rhonda Taylor, RN
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP
Susan Wong, MBA, MPA, RN
Susan Woods, PhD, RN, FAHA, FAAN

Staff present:

Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Usrah Claar-Rice, MS, MSN, RN, Nurse Education Manager
Chuck Cumiskey, RN, BSN, MBA, Nurse Practice Manager
Mary Dale, Nurse Discipline Manager
Marc Defreyn, Advising Staff Attorney
Taylor Stair, Health Services Consultant
Terry West, Health Service Consultant

1. Opening — Dr. Judith D. Personett, EdD, RN, Chair

- Call to order – Dr. Personett called the meeting to order at 9:05AM May 12, 2006
- Introductions – Introductions were made by commission members, staff and audience.
- Order of the Agenda – Fee reductions, Seattle Times update and Service awards were added to the agenda.
- Correspondence – National Council of State Boards of Nursing 2005 Practice Analysis will be routed for commission members to read.
- Announcements

2. Consent Agenda – DISCUSSION/ACTION

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Nursing Care Quality Assurance Commission without separate discussion. If separate discussion is

desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- A. Approval of minutes
 - 1. Business meeting
 - a. January 13, 2006
 - b. March 9, 10, 2006
 - 2. Licensing and Discipline sub-committee
 - 3. Consistent Standards of Practice sub-committee
 - 4. Continuing Competency sub-committee
 - 5. Nursing Program Approval Panel (NPAP)
- B. National Council of State Boards of Nursing (NCSBN) correspondence
- C. Department of Health (DOH) correspondence

ACTION: The Nursing Care Quality Assurance Commission (NCQAC) made and passed a motion to approve the consent agenda items.

3. Chair Report – Dr. Judith Personett – DISCUSSION/ACTION

- **April 26 Board/Commission leadership meeting – Jackie Rowe**

DISCUSSION: Ms. Rowe reported that the meeting began with opening remarks by Laurie Jenkins, Health Service Quality Assurance Assistant Secretary. The objective for the day was to understand the issues and provide a means to interrelate and affect outcomes among the boards and commissions and the Department of Health. The common goal of all is to protect the health of the people in Washington State. Ms. Rowe announced overwhelming appreciation of Department of Health staff by all Boards and Commission members.

- **CNEWS meeting, April 14, Spokane**

DISCUSSION: Dr. Personett, Susan Woods, Rhonda Taylor and Usrah Claar-Rice, and Paula Meyer, attended the meeting in Spokane. Dr. Personett reported that Mary McFarland, Gonzaga University, facilitated the meeting which focused on a Master Plan for Nursing Education in Washington State. A design team was formed to strengthen articulation among programs, facilitating further education of licensed nurses with a basic degree.

- **NCSBN mid-year meeting, Chicago**

DISCUSSION: Dr. Personett reported on the March 13-15th mid year meeting of the NCSBN which took place in Chicago. Media management was the topic of the workshop for the chair person of boards of nursing. All media interaction will be done by the Department of Health. A copy of Dr. Personett's report is available by calling the commission office. The executive officers session was a joint session of executive officers of boards of nursing and medical boards.

The second day focused on committee reports and potential actions to be held at the annual meeting, to be held in August in Salt Lake City.

4. Executive Director Report – Paula Meyer – DISCUSSION/ACTION

A. Request to reschedule November 2006 meeting due to the holiday; request to move the May meeting in Spokane to the March meeting.

ACTION: NCQAC meetings are scheduled for the second Friday in January, March, May, July, September, and November. A workshop is held with the March and July meetings, and an extra half day is scheduled with the November meeting to allow for more discussion of items. NCQAC made and passed motions to:

- Move the November meeting to the third Friday in November since the second Friday is usually a holiday;
- Hold the workshops at the July and November meetings;
- Hold the March meeting in Spokane; and,
- Continue to have the September meeting as a 'travel' meeting.

B. National Council of State Boards of Nursing (NCSBN) committee and committee chair opportunities:

1. **Practice Breakdown (TERCAP)**
2. **Member board leadership development advisory panel (Executive Officers and Presidents)**
3. **Advanced Practice**
4. **Item Review Sub-committee**
5. **Awards Panel**
6. **Resolutions**

DECISION: Ms. Meyer asked for volunteers for the committees. Diane Sanders is interested in the Practice Breakdown committee, Marianne Williams is interested in the ARNP committee, Rhonda Taylor and Jackie Rowe and Robert Salas are interested in the Item Review Sub-committee, and Susan Woods is interested in the Awards Panel. Ms. Meyer will circulate the NCSBN volunteer form to these members for completion.

C. NCSBN 101 – use of the website and free access to the site for commission members only

DISCUSSION: Ms. Meyer presented information on the revised course which describes the history, structure and purpose of the NCSBN. The course is designed to help individuals fulfill responsibilities as new members of the Board of Directors, Board of Nursing member or Board of Nursing staff. The course can be accessed from home or office computer with the link and password provided to the commission members.

D. DVD on the Role of the Reviewing Commission Member

DISCUSSION: A DVD was produced describing the role of the Reviewing Commission Member (RCM) in the disciplinary process. An opportunity to expand on this training has been identified. Two AAGs, Two staff attorneys, and two NCQAC members will develop that script to describe their separate roles and how they work together in the legal phase of discipline cases. Jackie Rowe and Susan Wong volunteered to work on a script.

E. Nursing Newsletter

DISCUSSION: Terry West reported the DOH Senior Management has approved a pilot project of a newsletter to be published by PCI. The target date for the first edition will be January 2007 and there will be two editions per year. Ms. West explained that staff will write articles and asked NCQAC members to be thinking of articles they would like to author. Advertising will cover all of the costs for the newsletters; no DOH or NCQAC funds will be involved. Ms. West was recognized for her many hours and hard work on this project.

Fee Reductions:

DISCUSSION: The NCQAC discussed the fee reductions for Registered Nurses and Licensed Practical Nurses renewals. The fees will be reduced \$5 for one year and an evaluation of the revenue balance will occur at the end of one year. This will be effective July 1, 2006.

There was discussion that the Nurse Tech fees were not being reduced. There are 166 Nurse Techs at this time and during the summer, there can be up to 300 Nurse Tech. This profession is regulated by both the NCQAC and the Secretary of Health. There was discussion to move both Nurse Techs under the NCQAC. This is a Legislative decision and the deadline for the DOH to consider request legislation for the 2007 session has already passed

ACTION: A motion was made and passed to ask the DOH to consider Nurse Tech fees be reduced. The NCQAC asked that staff do a legal analysis, fees, recommendations and implementation steps on Nurse Techs to include stakeholder analysis and present findings in July 2007 for Legislation to place Nurse Techs under the authority of the NCQAC.

Seattle Time's Articles:

DISCUSSION: Ms. Meyer described the Seattle Time's articles on Health Professions and Sexual Misconduct. A public disclosure request demonstrated that 40 currently credentialed Health Care Professionals had criminal convictions of a sexual misconduct nature, ten being Nursing Assistants, Licensed Practical Nurses, Registered Nurses and Surgical Technologists. As a result of these cases being revealed, Section 6 had three times more Statement of Charges than normal. There has been a heightened sense of public protection as a result of these cases. As a result of these articles and legislation, the HPQA disciplinary processes and resources are being evaluated.

Awards:

DISCUSSION: Karen Brewer and Marlene Wells terms will end June 30, 2006. Both Ms. Brewer and Ms. Wells were recognized for their contributions to the NCQAC. Plaques were presented to each by Ms. Meyer.

5. Out of State Travel Plan – Paula Meyer – DISCUSSION/ACTION

According to Procedure 111, the Nursing Care Quality Assurance Commission can use up to ten out of state trips per year, from July 1 through June 30. A plan for the trips was discussed including potential people to attend. Upcoming meetings will be presented, and the payor source.

Also, the National Nursing Stakeholders meeting on Advanced Practice Issues will be held in June. Mariann Williams will attend and represent the NCQAC.

DECISION: A proposed list out of state trips for 2006-2007 will be provided at the July meeting.

**6. Mutual State Recognition of Nursing Licenses – Paula Meyer –
DISCUSSION/ACTION**

Telehealth was the issue that prompted the NCSBN to evaluate the use of an interstate compact for licensure of nurses. There are currently 22 states that have enacted the compact. An overview of purpose and the compact language was reviewed.

DISCUSSION: Ms. Meyer explained that there was a request for legislation this year to consider Mutual State Recognition of Nursing Licenses. Approval to begin stakeholder work on this topic was secured.

DECISION: A decision was made to invite a speaker from a compact state such as Sandi Evans from the Idaho Board of Nursing to speak at the July workshop. A communication plan for use with stakeholders will be developed.

**7. Nursing Technicians Sexual Misconduct Rules – Paula Meyer –
DISCUSSION/ACTION**

The NCQAC adopted sexual misconduct rules in 1998. The legislation clarifying the role of nursing technicians was adopted in 2003. To clarify that the sexual misconduct rules for nurses applies to nursing technicians, language needs to be written in rule. The NCQAC will be asked to begin a rules process (CR101) to clarify this.

ACTION: A motion was made and passed to open a CR101 to include Nursing Technicians in sexual misconduct rules for nurses.

**8. Students with Asthma Legislation – Paula Meyer and Chuck Cumiskey –
DISCUSSION/ACTION**

In 2005, legislation was adopted addressing students with asthma and their treatment(s) during school. As a result of that legislation, and several other recent legislative changes, the Oral Medication Bulletin produced by the Office of the Superintendent of Public Instruction (OSPI) is in need of revision. The NCQAC was asked to review the bulletin and provide comments.

DISCUSSION: Ms. Meyer described the OSPI bulletin #34-01 regarding the Administration of Medications in Schools. Volunteers are needed to work on the language in this bulletin that is due to OSPI by June 15.

DECISION: The bulletin will be sent to all commission members who will make comments in the body of the bulletin and return via email to Ms. Meyer. Ms. Meyer will make revisions and submit to OSPI by June 15.

**9. Hospital Rules Review and Comment – Rhonda Taylor and Diane Sanders -
DISCUSSION/ACTION**

The rules for hospitals are open for comment. Ms. Taylor and Ms. Sanders presented their review and recommendations.

DISCUSSION: Ms. Sanders presented a thorough report on the hospital rules. June 5th is the deadline to finalize all comments.

DECISION: Staff will send the Hospital Licensing Rules, Chapter 246-320 WAC's Report on Proposals and Report on Comments link for the hospital rules to the commission members. The link is:

http://www.doh.wa.gov/hsqa/fsl/ruledevelop/rule_development.htm.

ACTION: A motion was made and passed to hold a special conference call June 1st at 7:00PM to compile comments on the proposed hospital rules.

10. Advisory Opinion Interpretive Statements- Mariann Williams and Chuck Cumiskey- DISCUSSION/ACTION

- A. Fluoride Varnish Application by Nurse
- B. Revision of Botox Position Statement
- C. Revision of Pre-filling Insulin Syringes Advisory Opinion

DECISION: NCQAC made a decision to delay action on item C, Pre-filling Insulin Syringes until the July meeting.

ACTION: A motion was made and passed to adopt the Botox Position Statement and Fluoride Varnish Application by a Nurse advisory statement.

11. Advisory Opinion Process - Mariann Williams and Chuck Cumiskey- DISCUSSION/ACTION

The NCQAC began using and encouraging the use of the Scope of Practice Decision tree. The Advisory Opinions and Interpretive Statements have a very narrow context, specific to the issue, facility, and details in the request. Once Advisory Opinions/Interpretive Statements are adopted and reviewed by the Secretary of Health, they can be released as public information. The Advisory Opinions/Interpretive Statements may then be over generalized. Therefore, the Scope of Practice Decision tree was adopted and its use encouraged by nurses. Based on this information, the NCQAC will consider the following:

- Archiving Advisory Opinions that are seldom used,
- Discussion of the Advisory Opinion/Interpretive Statement allowance in RCW 18.79.110 and 18.130.065, and
- Recommendations.

DISCUSSION: Ms. Williams reported that the decision tree is a part of the law book. It encourages the nurse to use critical thinking. Advisory opinions are used for a specific situation.

DECISION: NCQAC staff will provide the number of active advisory opinions for the July workshop as well as a draft procedure on archiving or rescinding advisory opinions.

12. Rules Report – Judy Personett, Jackie Rowe, Rick Cooley – DISCUSSION/ACTION

- A. Nursing Definition & Licensure

The Commission was given an update regarding the status of the Nursing definition/licensure rules process which include WAC 246-840-010, 020, 030, 035, 040, 050, 060, 070, 080 and , 090.

B. Nursing Assistant Rules

NCQAC was updated on the status of the Nursing Assistant rules process which includes WAC 246-841-400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, and 510.

ACTION: NCQAC made and passed a motion to accept the revised rules language for the Nursing Assistant Rules.

ACTION: NCQAC made a motion which died due to lack of a second to establish a policy for RN/LPN's that want to be eligible to endorse into the state of Washington without an active/current license in another state or U.S. jurisdiction. The motion was: *RN's and LPN's enrolled in a Washington State approved refresher course by July 1, 2006, must complete that course by July 1, 2007 to be eligible for Washington State licensure.*

ACTION: NCQAC made and passed a motion to establish a policy for RN/LPN's that want to be eligible to endorse into the state of Washington without an active/current license in another state or U.S. jurisdiction. The policy states:

For those people enrolled by August 1, 2006 in a Washington state approved refresher course for RNs and LPNs they must complete that course by August 1, 2007 to be eligible for Washington state licensure.

13. Presentation of Agreed Orders and Stipulations to Informal Decisions (STID), Use of Closed Session – Marc Defreyn – DISCUSSION/ACTION

Rationale for the use of Closed Session during the presentation of agreed orders and STIDS was presented.

DISCUSSION: Marc Defreyn explained that STIDS are an informal disciplinary process according to Statute. The hearings are open to the public according to the Administrative Procedures Act (APA). The Uniform Disciplinary Act (UDA) states that STIDS documents shall be exempt from public disclosure. If the STID is not accepted by the panel then it gets elevated to formal disciplinary action and that becomes a public hearing.

14. Election of Officers – Paula Meyer – DISCUSSION/ACTION

The slate of candidates was presented at the March meeting. The NCQAC will vote for the chair and vice chair positions.

ACTION: NCQAC members voted for the Chair and Vice Chair positions and the ballots were displayed for the public. Dr. Judith Personett was elected as Chair and Susan Wong as Vice Chair for the term beginning July 1, 2006 through June 30, 2007.

15. NCSBN Advanced Practice Registered Nurse (APRN) Vision Paper – Paula Meyer - DISCUSSION/ACTION

The NCSBN produced and released the APRN vision paper and requested comments and feedback. The ARNP members of the NCQAC have reviewed the vision paper

and presented their feedback and recommendations for the NCQAC to consider to submit.

DISCUSSION: NCQAC discussed that further work needs to be done to make the vision paper more viable.

DECISION: A decision was made to have the APRN vision paper available at the July workshop.

16. Discussion items – DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter and then come to the next meeting for decision to proceed

11:30 Executive Session if needed

The Executive Session is that part of a regular or special meeting that is closed to the public. An executive session was not needed at this meeting.

LUNCH

1:00PM–OPEN MIKE

Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

Joanna Boatman gave a report from the Washington State Nurses Association. Kay Kramer-Sievers spoke regarding Nurse Delegation.

17. Sub-committee reports – DISCUSSION/ACTION

A. Discipline and Licensing – Jackie Rowe, Chair - DISCUSSION/ACTION

DISCUSSION: Ms. Rowe reviewed the April 24, 2006 meeting minutes. The committee has agreed to seek approval for the strategic plan by the full NCQAC at the July meeting before proceeding with its implementation.

DECISION: A decision was made that the plan will be presented for approval at the July meeting.

B. Consistent Standards of Practice – Dr. Susan Woods and Rhonda Taylor, Co-chairs - DISCUSSION/ACTION

DISCUSSION: The committee reported that the first year of this subcommittee will be data gathering. They are working on a survey to gather the information.

DECISION: Susan Woods will become the chair of the second Nursing Program Approval Panel and Rhonda Taylor will chair Consistent Standards of Practice.

ACTION:

C. Continuing Competency – Todd Herzog, Chair - DISCUSSION/ACTION

DISCUSSION: Mr. Herzog reported that the February minutes have been included in the packet and at the March meeting they discussed portfolios. The manuals or portfolios will take a long time to develop and may cause anxiety with the participants. NCQAC members will be asked to develop their own portfolios first to use as examples.

18. Closing

Ms. Rowe requested a survey for feedback regarding the staff attorney's participating on the charging panels. Mr. Defreyn and Ms. Rowe will develop a survey and present it at the July workshop. It was also requested not to use acronyms on the STID forms.

Dr. Judith Personett adjourned the meeting at 2:50PM. Notes were taken by Kris McLaughlin.